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LETTER DATED 29 NOVEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 27 November 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the fundamental principles which Iraq views as vital to the rigorous and comprehensive implementation of the Memorandum of Understanding.

I should be grateful if you would have this letter and its annex containing the letter from the Foreign Minister circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

Letter dated 27 November 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

Only a few days remain before the conclusion of the 180 day period marking the second phase of the Memorandum of Understanding between Iraq and the United Nations. The objective of the Memorandum of Understanding is to provide humanitarian relief to the Iraqi population, who are suffering as a result of the total embargo to which they have been subjected for over seven years.

On the basis of what we have observed during two phases of implementation of the Memorandum, we should like to speak frankly about the true state of affairs of what has come to be called the "oil for food" deal. We do this now, because when the second phase ends on 4 December 1997, 360 days, or two of the periods provided for under Security Council resolution 986 (1995), will have passed since the initial phase began to be implemented. Despite the length of time that has passed, several contracts under the first phase have yet to be executed. Some 40 contracts remain on hold and a further 46 contracts have been blocked. These contracts all relate to essential humanitarian supplies for urgent civilian needs. Some contracts are for the purchase of tyres and batteries for trucks used to transport food supplies to all the governorates in the country. Others are for the purchase of ambulances and other materials which are manifestly for the essential humanitarian needs of the Iraqi population.

Everyone knows that the major obstacle to the execution of contracts under the first phase of the Memorandum of Understanding is the position of the United States of America, as presented by its representative on the Committee established by resolution 661 (1990) using pretexts and excuses that have absolutely no logical or legal justification. The United States of America insists on blocking contracts for materials that are provided for under the Distribution Plan drawn up as a result of consultations and coordination between the Iraqi authorities responsible for the implementation of the Memorandum of Understanding and the specialized agencies of the United Nations operating in Iraq. That Plan was adopted with your approval.

By continuing to delay these contracts without any legal justification, the United States representative is flouting the rules governing the work of the United Nations and is exacerbating the suffering of the Iraqi people by denying them the means to meet their most basic and essential humanitarian needs.

Things have not improved during the second phase, which is due to end on 4 December 1997. Some contracts are still on hold and others have yet to be processed by the secretariat of the Committee established by resolution 661 (1990) so that they can be presented to members of the Committee for a decision.

The export of Iraqi oil within the stipulated limits must be completed on the date mentioned above. If the procedure for dealing with contracts proceeds

as hitherto, it will take three or four times the amount of time originally envisaged for the implementation of the second purchase and distribution plan.

I should like to draw your attention to the part played by two members of the secretariat of the Committee established by resolution 661 (1990) who are responsible for the handling of applications and who have obstructed the processing of contracts by failing to include them in the Status List and delaying their distribution to members of the Committee for a decision. This matter requires your urgent and effective intervention, particularly since the two members involved (from the United States of America and the United Kingdom of Great Britain and Northern Ireland) are nationals of States which have shown unambiguous hostility towards Iraq and the Iraqi people. The behaviour of these persons contravenes United Nations rules and regulations on the impartiality and independence of United Nations staff and violates the principles of the Charter of the United Nations. If these persons are allowed to continue dealing with contracts in this manner, the fate of 22 million Iraqis will be subject to the whims of two biased international civil servants whose primary objective, backed by the position taken by the United States representative on the Committee, is to delay and impede the processing of contracts. As a result of this behaviour and despite the low level of technology required for the food basket, in the past 11 months the Government of Iraq has been able to distribute all rations on only one occasion. This situation has been confirmed in reports submitted to you by United Nations agencies operating in Iraq.

The Government of Iraq believes that the time has come to address the serious flaws in the process for administering and executing contracts. Such flaws constitute a basic violation of the Security Council resolutions relating to the oil for food and medicines deal, a deal which the United States of America falsely claims was instituted to ease the suffering of the Iraqi people.

The problem is not only the financial ceiling imposed under the Memorandum of Understanding, which certain parties are saying ought to be raised, but the processing of contracts for humanitarian supplies. Progress on this score has been extremely slow during the latest phase, as a result of the obstructive behaviour of the United States representative on the Committee which has given the lead to the two members of the secretariat who have delayed the examination of contracts and their presentation to members of the Committee for a decision.

Iraq strongly urges you, in your capacity as sponsor of the Memorandum of Understanding, to take the necessary steps to complete the processing of all contracts on hold from the first and second phases of the Memorandum, and affirms the need for the rigorous and comprehensive implementation of the Distribution Plan within the allocated 180 day period.

We believe that in order to complete this task the following fundamental principles should be applied:

1. The export of oil and the import of humanitarian supplies should be completed within the 180 day period.

2. The principle of equivalence between operations for the export of oil and those for the import of humanitarian supplies should be applied.

3. A simple notification procedure should be used for approving purchase contracts for materials that conform to the categorized list approved by the Secretary-General.

Unless these principles are applied, we shall be unable to overcome the obstacles which the United States representative has put in our way through repeated exercise of the right of veto in order to block contracts. We presented a detailed report on these issues to Mr. Benon Sevan, the Executive Director of the Iraq Programme, during his recent visit to Iraq and I believe he briefed you on the matter.

The Government of the Republic of Iraq is confident that you will do your utmost to attend to this matter in accordance with your mandate and responsibilities under Security Council resolutions and the Memorandum of Understanding. As we told Mr. Sevan, Iraq wishes for nothing more than the faithful and rigorous implementation of the provisions of the Memorandum of Understanding, which represents the minimum that can be done to ease the suffering of the Iraqi people and distribute food and medicine to them.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq